

Notice of Allowability

Application No.

10/047,802

Examiner

Rebecca Cook

Applicant(s)

SHORR ET AL.

Art Unit

1614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication of 3/15/04.
2. ☒ The allowed claim(s) is/are 11-21, 29-33, now 1-7, 9, 11, 13, 15, 8, 10, 12, 14, 16.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

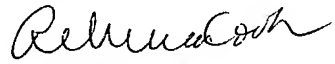
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 6/11/2002
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 4/15/2004
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


REBECCA COOK
PRIMARY EXAMINER
GROUP 1200 1614

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Allen Kipnis on April 15, 2004.

The application has been amended as follows:

In claim 11, line 1, following "treating" insert --a--;

line 3, delete "cancers" and insert --cancer in a warm-blooded animal--;

line 3, delete "a" and insert --the--;

lines 3-4, delete "including humans";

lines 6-7 delete "compounds of Formula I and pharmaceutically acceptable salts and esters" and insert --the compound of Formula I or a pharmaceutically acceptable salt or ester--.

In claim 18, line 2, delete "including humans";

line 4, delete "cancers" and insert --cancer--;

lines 6-7, delete "compounds of Formula I and pharmaceutically acceptable salts and esters" and insert --the compound of Formula I or a pharmaceutically acceptable salt or ester--.

In claim 19, line 2, delete "including humans";

line 2, following "with" insert --a--;

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line 4, delete "cancers" and insert --cancer--;

lines 7-8, delete "compounds of Formula I and pharmaceutically acceptable salts and esters" and insert --the compound of Formula I or a pharmaceutically acceptable salt or ester--.

In claim 20, line 2, delete "including humans";

line 2, following "with" insert --a--;

line 4, delete "cancers" and insert --cancer--;

lines 6-7, delete "compounds of Formula I and pharmaceutically acceptable salts and esters" and insert --the compound of Formula I or a pharmaceutically acceptable salt or ester--.

In claim 21, line 2, delete "including humans";

line 4, delete "cancers" and insert --cancer--;

line 7, delete "compounds of Formula I and pharmaceutically acceptable salts and esters" and insert --the compound of Formula I or a pharmaceutically acceptable salt or ester--.

Add the following claims:

--Claim 29. The method of claim 11 wherein said warm-blooded animal is a human.

Claim 30. The method of claim 18, wherein said warm-blooded animal is a human.

Claim 31. The method of claim 19, wherein said warm-blooded animal is a human.

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Claim 32. The method of claim 20, wherein said warm-blooded animal is a human.

Claim 33. The method of claim 21, wherein said warm-blooded animal is a human.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The prior art does not teach or suggest the instant methods of use of treating cancer using the prostacyclin derivative of Formula I.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Cook whose telephone number is (571) 272-0571. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marianne Seidel, can be reached on (571) 272-0584.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Renee Pettus (571) 272-0547 in Customer Service.

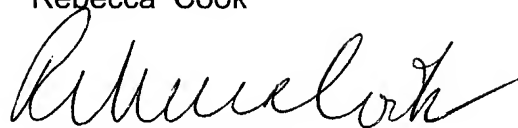
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Rebecca Cook

A handwritten signature in black ink, appearing to read 'Rebecca Cook', with a stylized, cursive script.

Primary Examiner

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April 15, 2004